

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

JC03 Rec'd PCT/PTO 11 NOV 2005

Franz-Christoph BANGE, et al.

Date: November 11, 2005

Serial No.: 10/510,329

Int'l. Appln. No.: PCT/EP2003/003533

Int'l. Filing Date: February 21, 2003

For: DETECTION OF MYCOBACTERIA IN CLINICAL MATERIAL

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

PETITION AND FEE FOR AUTOMATIC EXTENSION OF TIME  
UNDER 37 CFR 1.17, 1.136(a) AND 35 USC 41(a)8

Sir:

Applicant(s) hereby petition(s) the Commissioner for Patents to extend the time for filing a response to the outstanding Office Action by 4 months. Enclosed is our check No. 22580 which includes the amount of \$ 1,590.00 for the petition fee in accordance with 37 CFR 1.17 computed as:

X Response within fourth month  
X not small entity (\$1,590)

You are authorized to charge to our Deposit Account No. 15-0700 any additional amounts owing.

If this petition is inadequate to avoid abandonment, the Assistant Commissioner for Patents is petitioned, under 37 C.F.R. §1.136(a), to extend the time by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

## EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EV342542500 US) in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, Alexandria, VA 22313-1450, on November 11, 2005:

Dorothy Jenkins

Name of Person Mailing Correspondence

11/17/2005 MKAYPASH 00000079 10510329

01 FC:1254

1590.00 0P

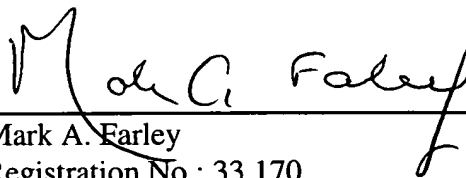
Signature

November 11, 2005

Date of Signature

RCF:MAF:jl

Respectfully submitted,



Mark A. Farley

Registration No.: 33,170

OSTROLENK, FABER, GERB &amp; SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700

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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. § 35 U.S.C. 371 mailed May 13, 2005 (copy enclosed), submitted herewith is the Inventor(s) Declaration and our Check No. \_\_\_\_\_ which includes the amount of \$130.00 in payment of the surcharge.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account #15-0700.

If this communication is filed after the time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

**EXPRESS MAIL CERTIFICATE**

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Dorothy Jenkins

Name of Person Mailing Correspondence

11/17/2005 MKAYPAGH 00000079 10510329

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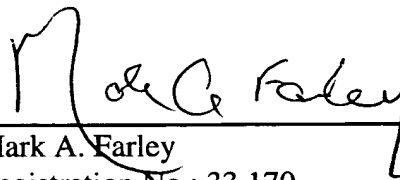
Signature

November 11, 2005

Date of Signature

RCF:MAF:jl

Respectfully submitted,



Mark A. Farley

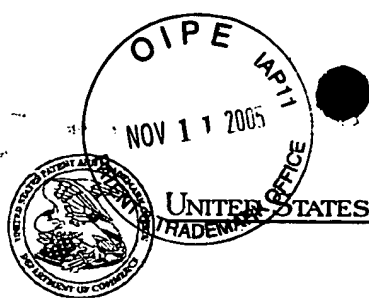
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11-14-05  
Rec'd PCT/PTO 11 NOV 2005

Page 1 of 2

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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/510,329	Franz-Christoph Bange	P/2107-259

INTERNATIONAL APPLICATION NO.
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PCT/EP03/03533

LA. FILING DATE	PRIORITY DATE
04/04/2003	04/06/2002

Robert C. Faber  
Ostrolenk, Faber, Gerb & Soffen, LLP  
1180 Avenue of the Americas  
New York, NY 10036-8402

CONFIRMATION NO. 7517

371 FORMALITIES LETTER



\*OC000000016017173\*

Date Mailed: 05/13/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/05/2004
- English Translation of the IA filed on 10/05/2004
- Copy of the International Search Report filed on 10/05/2004
- Copy of IPE Report filed on 10/05/2004
- Preliminary Amendments filed on 10/05/2004
- Biochemical Sequence Diskette filed on 10/05/2004
- Oath or Declaration filed on 10/05/2004
- Biochemical Sequence Listing filed on 10/05/2004
- U.S. Basic National Fees filed on 10/05/2004
- Priority Documents filed on 10/05/2004

OFGS FILE NO.	P/2107-259
13-JULY-2005	
PATENTS ORDERED	

RCF  
MAF

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

MAY 17 2005

- **\$130** Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/510,329	PCT/EP03/03533	P/2107-259

FORM PCT/DO/EO/905 (371 Formalities Notice)